

Christopher R. Pitoun (SBN 290235)  
HAGENS BERMAN SOBOL SHAPIRO LLP  
301 N. Lake Avenue, Suite 920  
Pasadena, California 91101  
Telephone: (213) 330-7150  
Facsimile: (213) 330-7152  
Email: christopherp@hbsslaw.com

Robert B. Carey (*pro hac vice*)  
Leonard W. Aragon (*pro hac vice*)  
Michella A. Kras (*pro hac vice*)  
HAGENS BERMAN SOBOL SHAPIRO LLP  
11 West Jefferson, Suite 1000  
Phoenix, Arizona 85003  
Telephone: (602) 840-5900  
Facsimile: (602) 840-3012  
Email: rob@hbsslaw.com  
leonarda@hbsslaw.com  
michellak@hbsslaw.com

*Counsel for Plaintiffs*

*(Additional Counsel on Signature Page)*

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

N.Z., R.M., B.L., S.M., and A.L.,  
individually and on behalf of themselves  
and all others similarly situated,

Plaintiffs,

v.

FENIX INTERNATIONAL LIMITED,  
FENIX INTERNET LLC, BOSS  
BADDIES LLC, MOXY  
MANAGEMENT, UNRULY AGENCY  
LLC (also d/b/a DYSRPT AGENCY),  
BEHAVE AGENCY LLC, A.S.H.  
AGENCY, CONTENT X, INC., VERGE  
AGENCY, INC., AND ELITE  
CREATORS LLC,  
Defendants.

Case No. 8:24-cv-01655-FWS-SSC

**PLAINTIFFS' REPLY IN  
SUPPORT OF RESPONSE TO  
ORDER TO SHOW CAUSE**

Judge: Hon. Fred W. Slaughter  
Courtroom: 10D  
Date: September 25, 2025  
Time: 10:00 a.m.

1 Plaintiffs, through undersigned counsel, submit their Reply in Support of  
2 their Response to the Order to Show Cause under Local Rules 7-2 and 7-10.

3 **I. ARGUMENT**

4 In response to Plaintiffs' Response to Order to Show Cause, Defendant Elite  
5 Creators LLC ("Elite Creators") filed a "Reply to Plaintiffs' Response to Order to  
6 Show Cause." ECF No. 194. While titled as a "Reply," it is an opposition under  
7 Local Rule 7-9 to Plaintiffs' original filing, as a "reply" is filed in support of an  
8 original filing. *See* Local Rule 7-2 ("Applicability. The provisions of this rule shall  
9 apply to *motions, . . . orders to show cause*, and all other proceedings." (emphasis  
10 added)); Local Rule 7-9 ("Opposing Papers. Each opposing party shall . . . serve  
11 upon all other parties and file . . . the evidence upon which the opposing party will  
12 rely in opposition."); Local Rule 7-10 ("Reply Papers. A moving party may . . .  
13 serve and file a reply memorandum, and declarations or other rebuttal evidence.");  
14 *see also Collier v. McKay*, 761 F. Supp. 3d 1300, 1307 n.5 (C.D. Cal. 2025) ("As  
15 Defendants note in response, moving parties are permitted to file reply memoranda  
16 both to support their own motion and to rebut arguments made in the non-moving  
17 party's opposition, if any."). As such, Plaintiffs hereby respectfully submit a Reply  
18 in Support of their Response to the Order to Show Cause, to address the issues  
19 raised in Elite Creators' Reply and to meet their ethical and Rule 11 obligations to  
20 correct any misrepresentations made to the Court, as all the parties at the hearing  
21 agreed with the Court that such a correction was required.<sup>1</sup> Elite Creators raises two

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22 <sup>1</sup> Plaintiffs acknowledge that the timing set forth in Local Rules 7-9 and 7-10  
23 could not be met here, as the Court set a different time for the initial Response to  
24 the Order to Show Cause under Local Rule 6-1. As the Response to the Order to  
25 Show Cause was not due until 14 days before the hearing, Elite Creators'  
26 opposition could not be due 21 days before the hearing and was not filed until the  
27 day before. As a result, it would be impossible for Plaintiffs to file a reply before  
28 the hearing, much less 14 days before the hearing. As the Court accepted Elite  
Creators' filing (assuming the Court set a different deadline under Local Rule 6-1),  
it should accept Plaintiffs' filing as well. If the Court finds that this Reply should

1 issues related to Plaintiffs’ Motion for Leave to Withdraw ECF Nos. 138, 141, 142,  
2 and 158, and File Corrective Briefs (“Plaintiffs’ Motion for Leave to File  
3 Corrective Briefs”) (ECF No. 176).<sup>2</sup> Specifically, that there is an error in a record  
4 cite and a case cite. ECF No. 194 at 3–7.

5 For the record cite, Elite Creators points out that the cited paragraphs to the  
6 First Amended Complaint (“FAC”) do not support the stated allegation and claim  
7 that those allegations are not “contained anywhere in the FAC.” ECF No. 194 at 5.  
8 But Elite Creators is off base. The allegations do appear in the FAC, just not in the  
9 cited paragraphs. The sentence in question states: “The agencies managed chat  
10 interactions that prompted video unlocks and upsells, often using preloaded scripts  
11 and pricing tiers, in ways designed to maximize Fan spending. FAC ¶¶ 222–227.”  
12 ECF No. 142 at 22. Plaintiffs should have cited paragraphs 75, 109–112, 151, and  
13 189 for support. Paragraph 75 describes how OnlyFans encourages pricing tiers.  
14 ECF No. 118 ¶ 75. Paragraph 109 discusses pricing guides, paragraph 110  
15 discusses scripts designed to sell content, and paragraph 111 discusses charging  
16 more for custom content. *Id.* ¶¶ 109–111. Paragraph 112 discusses the process to  
17 upsell, including stock content, how chatters sell content, and pricing. *Id.* ¶ 112.  
18 Paragraph 151 discusses a fan’s experience of being pushed by a chatter to unlock  
19 content. *Id.* ¶ 151. Paragraph 189 describes how Defendant Moxy Management will  
20 upsell products and content. *Id.* ¶ 189. Plaintiffs’ counsel believed they had caught  
21 all the record cite errors in their review before filing, but missed this one, and are

22 \_\_\_\_\_  
23 not be filed after the hearing date, Plaintiffs are willing to meet and confer with  
24 Defendants and file it as a motion.

25 <sup>2</sup> Is unclear why Elite Creators did not raise these issues in its Opposition to  
26 Plaintiffs’ Motion for Leave to File Corrective Briefs (ECF No. 183), as the issues  
27 relate directly to the proposed amendments, but instead waited until the day before  
28 the hearing on the Motion for Leave to File Corrective Briefs to raise these issues  
(ECF No. 194). Had Elite Creators timely raised these issues, Plaintiffs would have  
addressed them before the hearing in their Reply in Support of the Motion for  
Leave to File Corrective Briefs.

1 sorry for this error. If Plaintiffs are granted leave to file corrective briefs, they will  
2 include this correction. But regardless of whether that motion is granted, they  
3 correct it here for the Court.

4 The proposed redline of that change would look as follows:

5 personnel operating through Creator accounts. FAC ¶¶ 111–112, 452, 455. The  
6 agencies managed chat interactions that prompted video unlocks and upsells, often  
7 using preloaded scripts and pricing tiers, in ways designed to maximize Fan  
8 spending. FAC ¶¶ ~~222–227~~75, 109–112, 151, 189.

9 Elite Creators also noted that Plaintiffs’ citation to *In re Hulu Privacy*  
10 *Litigation*, 86 F. Supp. 3d 1090 (N.D. Cal. 2015), is inaccurate. ECF No. 194 at 6–  
11 7. Plaintiffs cited *In re Hulu*, (along with another case) for the following  
12 proposition: “Courts have routinely recognized that entities may qualify as video  
13 providers even if they deliver content through a third-party platform.” ECF No. 142  
14 at 22. *In re Hulu* does stand for that proposition, but the parenthetical erroneously  
15 talked about Hulu’s liability, stating: “streaming platform liable under VPPA for  
16 disclosures tied to its embedded video player.” *Id.* Undersigned counsel sought to  
17 correct the errors injected in the briefs by Ms. Boyd’s AI, and to fix those as  
18 expeditiously as possible and before the hearing. As a result, counsel reviewed 102  
19 actual cases cited across four briefs. ECF No. 190 at 8. But counsel failed to catch  
20 this error in their review. Undersigned counsel regrets the error. The parenthetical  
21 should have been corrected to say: “streaming platform is a video provider under  
22 VPPA for disclosures tied to its embedded video player.” If Plaintiffs are granted  
23 leave to file corrective briefs, they will include this correction. Regardless of  
24 whether that motion is granted, they correct it here for the Court as is required.  
25  
26  
27  
28

1 The proposed redlines of that change would look as follows:  
11  
2 not insulate them from VPPA liability. Courts have routinely recognized that  
12  
3 entities may qualify as video providers even if they deliver content through a third-  
13  
4 party platform. *See In re Vizio*, 238 F. Supp. 3d at 1221 (manufacturer that sold  
14  
5 smart TVs and tracked viewing data could qualify under the VPPA); *In re Hulu*, 86  
15  
6 F. Supp. 3d at 1095, 1098 (streaming platform liable is a video provider under  
16  
7 VPPA for disclosures tied to its embedded video player).  
17

8 Plaintiffs' counsel file this reply to correct the record, as required, and to be  
9 fully transparent with the Court.

## 10 II. CONCLUSION

11 For the foregoing reasons, Plaintiffs respectfully request that the Court take  
12 into consideration these facts and the circumstances surrounding these corrections  
13 when issuing any sanctions.

14  
15 DATED: September 29, 2025

Respectfully submitted,

16 HAGENS BERMAN SOBOL SHAPIRO LLP

17 By /s/ Robert B. Carey

18 Robert B. Carey (*pro hac vice*)  
19 Leonard W. Aragon (*pro hac vice*)  
20 Michella A. Kras (*pro hac vice*)  
21 HAGENS BERMAN SOBOL SHAPIRO LLP  
22 11 West Jefferson, Suite 1000  
23 Phoenix, Arizona 85003  
24 Telephone: (602) 840-5900  
25 Facsimile: (602) 840-3012  
26 Email: rob@hbsslaw.com  
27 leonarda@hbsslaw.com  
28 michellak@hbsslaw.com

Christopher R. Pitoun (SBN 290235)  
HAGENS BERMAN SOBOL SHAPIRO LLP  
301 N. Lake Avenue, Suite 920  
Pasadena, California 91101

1 Telephone: (213) 330-7150  
2 Facsimile: (213) 330-7152  
3 Email: christopherp@hbsslaw.com

4 Andrea R. Gold (*pro hac vice*)  
5 David A. McGee (*pro hac vice*)  
6 Shana H. Khader (*pro hac vice*)  
7 TYCKO & ZAVAREEI LLP  
8 2000 Pennsylvania Avenue NW, Suite 1010  
9 Washington, DC 20006  
10 Phone: (202) 973-0900  
11 Facsimile: (202) 973-0950  
12 Email: agold@tzlegal.com  
13 dmcgee@tzlegal.com  
14 skhader@tzlegal.com

11 Keith T. Vernon (*pro hac vice*)  
12 TIMONEY KNOX LLP  
13 1717 K Street NW, Suite 900  
14 Washington, DC 20006  
15 Phone: (202) 349-9864  
16 Facsimile: (215) 540-2643  
17 Email: kvernon@timoneyknox.com

16 Andrew W. Knox (*pro hac vice*)  
17 TIMONEY KNOX LLP  
18 400 Maryland Ave.  
19 Fort Washington, PA 19034  
20 Phone: (215) 540-2643  
21 Facsimile: (215) 540-2643  
22 Email: aknox@timoneyknox.com

21 Andrew C. Stone (*pro hac vice*)  
22 Seth T. Goertz (*pro hac vice*)  
23 DORSEY & WHITNEY LLP  
24 2325 E Camelback Road, Suite 300  
25 Phoenix, AZ 85016  
26 Phone: (602) 735-2691  
27 Facsimile: (602) 926-2471  
28 Email: stone.andy@dorsey.com  
goertz.seth@dorsey.com

*Counsel for Plaintiffs*

**CERTIFICATE OF COMPLIANCE**

The undersigned, counsel of record for Plaintiffs, certifies that this brief contains 1,110 words which complies with the word limit of L.R. 11-6.1.

Dated: September 29, 2025

HAGENS BERMAN SOBOL SHAPIRO LLP  
/s/ Robert B. Carey  
Robert B. Carey